

**REMARKS**

In view of the foregoing amendments and following remarks responsive to the Office Action dated March 7, 2006, Applicant respectfully requests favorable reconsideration of the application.

Applicant respectfully thanks the Office for withdrawing the previous rejections of claims 1-33 in view of Applicant's arguments.

However, the Office has now rejected all of the same claims 1-33 in view of a new prior art combination, namely, Howard in combination with Sears.

The present rejection of the claims is somewhat similar to the previous rejection in that Howard is still cited as the primary reference for much of the same teachings as in the previous rejection.

Applicant respectfully traverses.

**The Present Invention**

The present invention comprises a method for synchronizing a particular computer user's cookies across a plurality of computers that the user may use to access the Internet. Particularly, it is not uncommon for a single person to have multiple computers that he or she uses on a regular basis for accessing the Web. It is therefore likely that all of those computers will not simultaneously have the most current cookies for that user.

Thus, in accordance with the present invention, a user with multiple computers registers with a service that will synchronize cookies across all of the user's computers. More particularly, a server is maintained on a network such as the World Wide Web for

storing cookies and/or cookie change information for a user that registers with the service (hereinafter termed the Cookie Synchronization Server). Each user opens an account and registers all of his or her computers under that account. Each of these computers is equipped with software that monitors all changes made to cookies at that machine and sends a notification to the Cookie Synchronization Server including sufficient information to at least (1) identify the account to which the client belongs; and (2) allow the cookie synchronization server to recreate the cookie. In a preferred embodiment, the computer simply sends the entire cookie and an account ID with the request.

The Cookie Synchronization Server stores the information and subsequently sends it out to each other client machine registered under that account. The server may, for instance, send out the information to the registered client machines responsive to receipt of requests for the information from the other client machines. The client machines update their cookies accordingly and send an acknowledgement receipt to the Cookie Synchronization Server. Thus, the Cookie Synchronization Server can keep track of which client machines have the latest version of each cookie so that it can send only those cookies that the client machine does not already have to a requesting client machine.

#### **The Howard Reference**

The Howard reference pertains to a technique for simplifying for a computer user the accessing of web sites that require a user to register to access the website.

Typically, the registration process comprises entering a previously designated user ID and/or password.

Figure 4 is most illustrative of the teachings of the Howard reference that the Office deems relevant to the present invention. In accordance with Howard, a plurality of web sites register to be part of this particular service. The servers operated by those web sites are termed "affiliate servers". In addition, the provider of the invention provides another server on the Web termed the "authentication server". When a user accesses a web site that requires authentication (i.e., entry of a user ID and/or password), the affiliate server passes the client request on to the authentication server instead of servicing it itself. The authentication server sends the client machine a sign-in page. When the user enters the proper password and/or user ID, the authentication server copies the appropriate cookies to the client machine and redirects the user's browser back to the affiliate server. The authentication server also generates an authentication ticket and transmits it to the affiliate server informing the affiliate server that the user has been properly authenticated. The authentication server also communicates the user profile information to the affiliate server through the client machines.

The reference has nothing to do with maintaining cookie consistency across a plurality of client machines.

#### **The Sears Reference**

In Sears, a number of web sites register with a server (called a "cookie server") and provide the server with information regarding what data fields are expected in

cookies submitted from clients to the web site. These registered sites are listed in a cookie list stored at the cookie server and are provided to the client when the client logs into the cookie server. When a client subsequently initiates a connection to a web site within the cookie list, in addition to checking for any locally stored cookies, the client will indicate to the cookie server that it is connecting to that web site. The cookie server then uses cookie requirement information that it obtained from the web site, as well as user specific information, to generate one or more appropriate cookies that the web site may use and transmits the generated cookie(s) to the client. The client then provide the cookies to the web site in the normal course of navigating the web site so that the web site may provide a customized web page to the client.

Thus, instead of the user having to manually enter information so that the web site may generate cookie(s), the cookie(s) are automatically generated by the cookie server. This allows a user to provide personal information once and then access a set of sites as if it was a unified service, receiving a consistent user experience across those web sites.

The client need not store the cookie. Instead, the automatically generated cookie for a particular web site may be stored at the cookie server for transmission to the client when the client subsequently navigates to the web site.

For example, a user may have hundreds of associated cookies that are used when navigating to hundreds of different Web sites. If the user moves, for example, the user's address and zip code will change. Conventionally, in order to optimize service at these hundreds of web sites, the user would have to navigate through these web sites,

and change the address for each web site, thereby allowing the web site to change the corresponding cookie at the client. However, the user can change the user information in each of these cookies by simply changing the user information stored at the cookie server. The cookie server would then update all of the corresponding cookies that the server is storing. Thus, when the user's information changes, the user need not engage in further data entry as the user navigates to each of the web sites. Instead, the user only changes the user information at the cookie server.

Sears has nothing whatsoever to do with maintaining cookie consistency across a plurality of client machines.

#### **Discussion of Prior Art Rejection**

In response to the previous Office Action in which Howard was cited by the Office for much of the same teachings for which it is cited in the present Office Action, Applicant pointed out a number of the shortcomings of Howard. The Office did not address those arguments, but rather asserted that those arguments were moot because of the new grounds of rejection. Much of the previous argument, however, was not moot since the Office is still relying on Howard in much the same way it relied on it in the previous Office Action. Accordingly, in addition to addressing the shortcomings of the newly cited Sears reference, Applicant also will explain again some of the shortcomings of Howard.

Taking independent claim 1 as an example, the Office asserted that Howard teaches a method of synchronizing cookies across a plurality of computing devices that access a network, the method comprising the steps of: (1) registering the plurality of

computing devices as members of an account (column 2, lines 1-42 and column 5, lines 42-67); (2) maintaining information as to the members of the account at a server (column 10, line 55 through column 11, line 15); (4) storing at the server the data associated with the account to which the data corresponds (column 3, line 59 to column 4, line 2); (5) a server sending data to other members of the associated account [column 7, lines 34-35; and (6) the other members of the account updating their cookies in accordance with the data received from the server (column 7, lines 25-39).

Interestingly, the Office previously conceded that Howard did not teach the server sending the data to the other members of the account.

On the other hand, the Office concedes that Howard does not explicitly teach responsive to a change in one or more cookies stored at a first one of said computing devices that is a member of said account, said first member computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds.

The Office asserts, however, that Sears discloses, at column 3, lines 32-48 and column 10, line 51 through column 11, line 6, responsive to a change in one or more cookies stored at a first one of said computing devices that is a member of said account, said first member computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies).

**Shortcomings of the Sears Reference**

Turning first to the newly cited Sears reference, it does not teach that for which it has been cited. As noted above, Sears teaches a system in which the client machine does not have to store cookies. Rather, it logs onto the cookie server 310 at the beginning of a web surfing session (col. 8, lines 43-46). Then, when it accesses a new web site, it tells the cookie server that it accessed the web site and the cookie server checks if that web site is in its "cookie list" (col. 9, lines 1-11). If so, the cookie server generates cookies on the fly from information stored in a cookie requirement database 360 (in which is stored data as to what information about the user each registered web site wants in its cookie) and a user information database 350 (which actually contains the aforementioned information about the user) (col. 9, lines 12-37). Sears is inconsistent in its description in that nowhere in the entire description of how Sears works (namely Figures 3 and 4 and col. 8, line 21- col. 9, line 37) does it describe storing cookies at the cookie server. Rather, the description clearly describes that the cookies are generated on the fly from the information contained in the user information database 350 and the cookie requirement database 360. Yet, throughout the specification, it talks about the cookies being stored at the cookie server. See, for instance, the portions cited by the Office, namely, col. 3, lines 32-58 and col. 10, line 51- col. 11, line 6.

While perplexing, the confusion does not alter the fact that Sears simply does not teach that for which it has been cited. Specifically, it has been cited for the alleged teaching of "responsive to a change in one or more cookies stored at a first one of said

computing devices that is a member of said account, said first member computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies)".

Depending on the resolution, if any, of whether Sears actually teaches storing cookies at the server or not, Sears may teach taking a change to one cookie of a given user and propagating it to other cookies of that user. However, it certainly does not teach anything about taking a change to a cookie at one client machine and propagating it to the same cookie at another client machine. Sears teaches a completely inapposite technique to the present invention.

Sears has nothing to do with maintaining consistent information in the same cookie at different machines. Rather, Sears deals with maintaining consistency of information in different cookies in the same machine. Sears never mentions a second user client machine. Sears' specification discusses a single user client machine.

In fact, ironically, what little Sears discloses that corresponds to step (3) is essentially the opposite of step (3). Particularly, step (3) recites, *inter alia*, that the client machine sends cookies to the server. The portion of Sears to which the Office refers, on the other hand, discusses a situation in which the cookie server sends cookies to the client.

Accordingly, claim 1 does patentably distinguish over the prior art because Sears does not teach or reasonably suggest to a skilled artisan step (3) of claim 1.



**Shortcomings of the Howard Reference**

Furthermore and in any event, the primary reference, Howard, does not teach anything even remotely resembling the present invention, let alone something that meets the claim elements asserted by the Office.

Like Sears, Howard has absolutely nothing to do with synchronizing cookies across a plurality of computers. Step 1 of claim 1 recites "registering a plurality of computing devices as members of an account." The Office refers to column 2, lines 1-42 and column 5, lines 42-67 as teaching this limitation. However, these portions of Howard merely teach that a plurality of affiliate servers and a plurality of client machines register with the server. There are no separate accounts in the service. Rather, you either are a subscriber to the service or you are not a subscriber to the service. Individual users do not have separate accounts with the service.

Furthermore, Howard does not teach step (5) of claim 1, i.e., sending the changed cookie data to the other members of the account. As noted above, the Office has previously conceded that Howard does not teach this, but now in the latest Office Action has reversed itself to assert that Howard does teach this at col. 7, lines 34-35. Col. 7, lines 34-39 states:

For example, when the user logs out, the authentication server sends a message to each web server on the list of sites visited. Each message is a request for the web server to delete any cookies it placed on the client computer system (e.g., through a browser running on the client computer system).

This certainly is not a teaching of sending changed cookie data to other client machines. Rather it is about as much the opposite as it could possibly be. It is a teaching of deleting cookies, not updating them.

Of course, Howard cannot possibly teach step (5) because there are no accounts in Howard that correlate multiple client machines with each other as an account nor is any changed cookie data sent to other clients.

Howard, having nothing whatsoever to do with synchronizing cookies across a multiplicity of client machines, is essentially irrelevant to the present invention.

Thus contrary to the Office's assertions, the prior art of record does not teach at least three of the six steps recited in claim 1, namely, steps (1), (3), and (5).

Furthermore, Since neither the primary nor the secondary reference have anything to do with maintaining cookie consistency across a plurality of client machines, to whatever extent either of these references can be considered to teach steps similar to the other steps of claim 1, it teaches them in an utterly irrelevant context and certainly does not suggest any combination of steps remotely resembling the present invention.

**The Proposed Combination is Not Suggested in the Prior Art**

Furthermore, there is absolutely nothing in the prior art that suggests the proposed combination of Howard and Sears.

As set forth in MPEP §2143, a proper obviousness rejection has three basic requirements:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

We have already shown that the third requirement is not met as Howard does not teach step (1) or step (5) and Sears does not teach step (3). However,

the proposed combination also fails to meet the first requirement, i.e., that there be some suggestion in the art for the proposed combination. The Office asserts that it would have been obvious to combine Howard and Sears "because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information". However, this is nothing new to the Howard reference. That is exactly the purpose of Howard already.

In any event, neither Howard nor Sears have anything to do with maintaining consistency of cookies across a plurality of client machines. Accordingly, essentially by definition, they cannot suggest a technique for doing so.

### **The Claims**

Accordingly, claim 1 patentably distinguishes over the prior art for all of the reasons set forth above.

Claims 2-15 depend from claim 1 and, therefore, distinguish over the prior art of record for at least all of the same reasons as claim 1.

Independent claim 16 is similar to claim 1 and therefore distinguishes over the prior art of record for at least all of the same reasons as claim 1. Particularly, claim 16 is similar to claim 1, the major difference being that claim 16 is written specifically from the perspective of the server and, therefore, recites acts performed by the server, whereas claim 1 is a system claim reciting acts performed at both the client machine and the Cookie Synchronization Server.

Specifically, claim 16 recites "receiving messages from said computing devices that are members of said account identifying one or more cookies that have been changed at said computing devices, said messages also containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds". It also recites "said server sending data to other computing devices that are members of said account". These are quite similar to the limitations discussed above in connection with claim 1 that are not met by the proposed combination.

Claims 17 through 23 depend from claim 16 and, therefore, distinguish over the prior art of record for at least all of the reasons discussed above in connection with claim 1.

Independent claim 24, of course, also pertains to the same general invention as claims 1 and 16. Claim 24, however, is written from the perspective of one of the client machines that is a member of the account. Step 2 of claim 24, i.e., "responsive to a change in one or more cookies stored at any of said computing devices that are members of said account, said computing device sending a message to a server on said network containing sufficient data from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds" generally corresponds to step (3) of claim 1, except from the opposite perspective. Also, step (3) of claim 24, i.e., "said member computing devices receiving said data [from which said changes to said one or more cookies can be determined and the account to which said first member computing device corresponds]

from a server on said network" generally corresponds to step (5) of claim 1, except from the opposite perspective. For all of the same reasons set forth above in connection with steps (3) and (5) of claim 1, the prior art of record does not teach these steps.

Claims 25-32 depend from claim 24 and therefore distinguish over the prior art for at least all of the reasons set forth in connection with claim 24.

Even further, the dependent claims further distinguish over the prior art of record. The further distinctions are numerous and will not be fully discussed since all of the dependent claims already clearly distinguish over the prior art by virtue of their dependence on the independent claims discussed above. Nevertheless, by way of example, claim 2, for instance, recites that step (5) "is performed responsive to a request for said one or more changed cookies received from another computing device that is a member of said account" and "(7) said member computing devices issuing requests for changed cookies". The Office asserted that Howard teaches these limitations. However, as explained above in connection with claim 1, Howard does not teach step (5). Accordingly, it could not possibly teach the further limitations restricting step (5) as recited in claim 2.

Furthermore, step (7) essentially is an adjunct to step (5). Since, contrary to the Office's assertions, Howard does not teach step (5), it could not teach the elements of step (7). The same is true for claims 4-7. These claims fill in details of step (5).

Claims 13 and 31 add the limitation that step (3) is performed further responsive to an instruction received by said member computer device to log off of said network. The Office has asserted that this is disclosed in column 8, lines 1-32 and column 6,

lines 1-27 of Howard. However, the Office has already conceded that Howard does not teach step (3). Accordingly, it is not seen how the Office could contend that Howard teaches when to perform step (3), when, by its own admission, it does not teach step (3) at all. Furthermore, Applicant has reviewed these sections of Howard and they do not appear to contain any relevant disclosure whatsoever other than the fact that the term "logging out" or "logged out" appears in those sections utterly disembodied from any disclosure relevant to claims 24-33.

### **Conclusion**

In view of the foregoing remarks, this application is now in condition for allowance. Applicant respectfully requests the Office to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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